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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,373	04/13/2006	Peleg Aharoni	32438	8401

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EXAMINER	
CRANMER, LAURIE K	
ART UNIT	PAPER NUMBER
3636	

MAIL DATE	DELIVERY MODE
10/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,373	AHARONI, PELEG	
	Examiner	Art Unit	
	Laurie K. Cranmer	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Owen.

The sleeve is 36, the compartment is 28 and the cushion is 30. Any limitations drawn to the vehicle headrest or any components thereof are objects of intended use and are not part of a claimed combination and are therefore given no patentable weight.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen.

The limitations added in claim 4 are simply outlining the parameters of a crash situation. Since the Owen device is for use in vehicle seats, and vehicles are subject to crash situations, it would have been obvious to one of ordinary skill in the art to use the head rest cover of Owen in a crash situation, which would necessarily provide restraint to the seat occupant by extending further than the headrest of the vehicle seat.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owen as applied to claim 1 above, and further in view of Cassese et al.

The sleeve 32 is configured from a substantially rigid material. It would have been obvious to one of ordinary skill in the art to replace the sleeve of Owen with the rigid sleeve 32 as taught to be old by Cassese et al thereby providing the obvious advantage and predictable result of a more sturdy attachment construction.

Claims 6, 8-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Owen as applied to claims 1 and 4 above, and further in view of Goldstein.

Goldstein (Fig. 5) teaches a cover with an attachment to a seat with a compartment 25 for inserting a plurality of shock-absorbing cushions 45, 46, 47 which are formed of various shapes to fill the volume defined by the compartment, and wherein the cushions have different shock absorbing properties from each other (col. 6, line 66-col. 7, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the single cushion of Owen with the plurality of

cushions as taught to be old by Goldstein thereby providing the obvious advantage and predictable results of greater adaptability to the needs of each individual user.

Any limitations drawn to the vehicle headrest or any components thereof are objects of intended use and are not part of a claimed combination and are therefore given no patentable weight.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owen as applied to claim 1 above, and further in view of Lacy.

Lacy teaches a compartment 20 detachable from a sleeve 12 to be conventional in the art. It would have been obvious to one of ordinary skill in the art to modify the Owen device such that the compartment were detachable as taught to be old by Lacy thereby providing the obvious advantage and predictable results of more placement options of the compartment relative to the sleeve.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owen in view of Goldstein et al as applied to claim 12 above, and further in view of Lacy.

Lacy teaches a compartment 20 detachable from a sleeve 12 to be conventional in the art. It would have been obvious to one of ordinary skill in the art to further modify the Owen device such that the compartment were detachable as taught to be old by Lacy thereby providing the obvious advantage and predictable results of more placement options of the compartment relative to the sleeve.

The limitations added in claim 17 are simply outlining the parameters of a crash situation. Since the Owen device is for use in vehicle seats, and vehicles are subject to crash situations, it would have been obvious to one of ordinary skill in the art to use the

head rest cover of Owen in a crash situation, which would necessarily provide restraint to the seat occupant by extending further than the headrest of the vehicle seat.

Response to Arguments

Applicant's arguments filed 7/1/08 have been fully considered but they are not persuasive. Although Owen does not explicitly state that the headrest cover is for a crash situation, given that it is applied in a vehicle seat which, when in a crash situation, and structurally functions in the same way as Applicant's invention, will necessarily protect the seat occupant from whiplash.

The rejection is proper as stands.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie K. Cranmer whose telephone number is (571) 272-6855. The examiner can normally be reached on M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurie K. Cranmer
Primary Examiner
Art Unit 3636

/Laurie K. Cranmer/
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